



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
Executive Director

JERRY D. OLDS  
State Engineer/Division Director

April 24, 2007

#### Notom Area Distribution Account Holders:

Durfey Family, Esther C. Durfey  
c/o Keith & Kay Durfey  
PO Box 116  
Bicknell, UT 84715

Boone and Marjie Taylor  
P O Box 55  
Bicknell, UT 84715

Mark Strikwerda  
531 Timber Feather Lane  
Fallbrook CA 92028

Chad and Roma Roderick  
PO Box 33  
Bicknell, UT 84715

McLean Durfey  
HC 70 Box 135  
Torrey, UT 84715

Abbie Marabetta  
PO Box 750193  
Torrey, UT 84775

Scott Strikwerda  
1355 East Preston  
Alpine, UT 84004

Ed Lachman  
C/O Kathy Bagley  
PO Box 750009  
Torrey, UT 84775

SUBJECT: SEAA 1144

RE: Compliance Status

Dear Water Users:

The measuring device and control structure as required by the SEAA 1144 notice on May 22, 2006, was inspected on April 10, 2007, by the staff of the Division of Water Rights. The following observations were noted during that inspection:

#### OBSERVATIONS

1. The measuring device and control structure were not installed at the point of diversion from Pleasant Creek, as required in the notice, but approximately 2000 feet downstream of the point of diversion.
2. The new flume appears to function properly as it is now set. However, it may be subject to piping around the edges and washout if excessive flows are experienced. The soil around the flume appears to have been only lightly compacted with no apron or armoring at the entrance. This condition, if not exacerbated by high flows, may in time correct itself. We recommend that the water user regularly inspect and maintain

the flume to prevent the apron and edges from washing out and also to insure the flume remains level.

3. It appears the water users have chosen to install a "return to river" gate instead of a head gate as a control structure to regulate the flow in the ditch.
4. The "return to river" gate is not functional as a control device to regulate the flow in the ditch. It is too heavy to lift by hand since it is obstructed with sediment it cannot be adjusted adequately enough to accurately regulate the flow and it has no useable provision for locking the gate in place. There are also indications that the "return to river" gate may wash out if high flows are maintained in the canal.

#### DETERMINATIONS

Based on our observations, we have determined that the new measuring device does not fully meet the requirements of the May 22, 2006 notice. However, the measuring device can be accepted as adequate at the current location if the flow measured by the commissioner at the flume is reduced by the rate of loss in the ditch between the point of diversion and the measuring device. The Division of Water Rights staff will take measurements to determine the loss rate and will instruct the commissioner to reduce the flow at the measuring device accordingly. If this is not acceptable to the water users, the flume will need to be relocated to the point of diversion.

The control structure requirements of the May 22, 2006, notice have not been met. The "return to river" gate as presently constructed is not acceptable as a control structure for the reasons stated above. However, given the extremely limited snow pack and the small probability that high flows will be available at the point of diversion, it is the determination of the State Engineer that water may continue to be diverted during the 2007 irrigation season.

The deadline for the construction of an adequate control structure as set in the May 22, 2006, notice is hereby extended to April 1, 2008. A control structure of a design, operation, and location approved by the State Engineer must be constructed on the ditch by that date. The ditch will be inspected for compliance. If the control structure is not in compliance by April 1, 2008, a distribution order will be issued forbidding the diversion and use of water through the ditch.

If you have any questions concerning this letter, please contact Mike Silva by phone at (801) 538-7430 or by E-Mail at [MikeSilva@utah.gov](mailto:MikeSilva@utah.gov) or Kirk Forbush by phone at (435) 896-4429 or by E-Mail at [KirkForbush@utah.gov](mailto:KirkForbush@utah.gov).

Sincerely,

Lee Sim

Assistant State Engineer  
Division of Water Rights

pc: Kirk Forbush P.E. / Regional Engineer  
Becky Taft / PO Box 154 / Bicknell UT 84715  
Mike Silva / Distribution Engineer  
Kerry Carpenter / Enforcement Engineer  
File: SEAA 1144